

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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AUSTIN FENNER and
IKIMULISA LIVINGSTON,

Plaintiffs,

v.

NEWS CORPORATION, NYP HOLDINGS, INC.,
d/b/a THE NEW YORK POST, MICHELLE
GOTTHELF and DANIEL GREENFIELD, in their
official and individual capacities,

Defendants.
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No. 09 Cv. 9832

DECLARATION

Lawrence M. Pearson, for his declaration pursuant to 28 U.S.C. §1746, states:

1. I am a member of the bar of this Court and a Senior Associate at Thompson Wigdor LLP, attorneys for Plaintiffs Austin Fenner and Ikimulisa Livingston. As such, I am fully familiar with the matters set forth herein, and make this declaration in support of Plaintiffs' opposition to Defendants NYP Holdings, Inc., d/b/a The New York Post, Michelle Gotthelf and Daniel Greenfield's Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure.

2. Attached hereto as **Exhibit 1** are true and correct copies of excerpts of the deposition of Ikimulisa Livingston dated January 13, 2012, February 20, 2013 and May 6, 2013.

3. Attached hereto as **Exhibit 2** are true and correct copies of excerpts of the deposition of Austin Fenner dated January 11, 2012.

4. Attached hereto as **Exhibit 3** are true and correct copies of excerpts of the deposition of Daniel Greenfield dated April 5, 2012.


5. Attached hereto as **Exhibit 4** are true and correct copies of excerpts of the deposition of Michelle Gotthelf dated March 29, 2012.
6. Attached hereto as **Exhibit 5** is a true and correct copy of an affidavit of Shari Logan.
7. Attached hereto as **Exhibit 6** is a true and correct copy of an affidavit of Ebony Clark.
8. Attached hereto as **Exhibit 7** are true and correct copies of excerpts of the deposition of Sandra Guzman dated October 13, 2011 and February 13, 2012.
9. Attached hereto as **Exhibit 8** are true and correct copies of excerpts of the deposition of Col Allan dated February 14, 2012 and February 21, 2013.
10. Attached hereto as **Exhibit 9** are true and correct copies of excerpts of the deposition of Jesse Angelo dated April 25, 2012 and April 5, 2013.
11. Attached hereto as **Exhibit 10** is a true and correct copy of a document Bates-stamped NYP-FL000147, produced by Defendants in this action.
12. Attached hereto as **Exhibit 11** are true and correct copies of excerpts of the deposition of Jennifer Jehn dated June 26, 2012 and February 14, 2013.
13. Attached hereto as **Exhibit 12** are true and correct copies of excerpts of the deposition of Amy Scialdone dated June 28, 2012.
14. Attached hereto as **Exhibit 13** is a true and correct copy of a document Bates-stamped IL_275 produced by Plaintiffs in this action.
15. Attached hereto as **Exhibit 14** is a true and correct copy of a document Bates-stamped AF_34-38 produced by Plaintiffs in this action.

16. Attached hereto as **Exhibit 15** is a true and correct copy of a document Bates-stamped IL_370 produced by Plaintiffs in this action.

17. Attached hereto as **Exhibit 16** is a true and correct copy of a document Bates-stamped IL_8684 produced by Plaintiffs in this action.

18. Attached hereto as **Exhibit 17** are true and correct copies of excerpts of the deposition of Ebony Clark dated May 30, 2012.

Dated: May 24, 2013
New York, New York

A handwritten signature in black ink, appearing to read 'Lawrence M. Pearson', is written over a horizontal line.

Lawrence M. Pearson